

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MS AMLIN CORPORATE MEMBER LTD,)	
)	
Plaintiffs,)	
)	Case No. 1:23-CV-03253
v.)	
)	Honorable Steven C. Seeger
FLOYD, INC.; UNITED MEDICAL)	
ENTERPRISE, INC; GREIF, INC.;)	
WESTROCK COMPANY; MARS)	
PETCARE US, INC.; MGP INGREDIENTS,)	
INC.; CATERPILLAR, INC.,)	
)	
Defendants.)	

PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT AGAINST DEFENDANT
UNITED MEDICAL ENTERPRISE, INC.

Pursuant to Federal Rule of Civil Procedure 55(a), Plaintiff MS Amlin Corporate Member, Ltd., by its undersigned attorneys, moves the Court to direct the Clerk to enter a default against Defendant United Medical Enterprise, Inc. for that defendant's failure to plead or otherwise defend, and in support submits herewith the Affidavit of Mitchell H. Frazen attached as Exhibit A, and states as follows:

1. Federal Rule of Civil Procedure 55(a) requires the Clerk to enter a default against a defendant that fails to plead or otherwise defend. The rule states:

(a) Entering a Default. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.

2. As set forth in the Affidavit of Mitchell H. Frazen attached as Exhibit A, Defendant United Medical Enterprise, Inc. has been properly served with summons and has failed to timely plead or otherwise defend in this action.

3. Plaintiff's complaint for rescission and declaratory relief was filed on May 23, 2023. (See Doc. 1).

4. Defendant United Medical Enterprise, Inc. was served with an alias summons and copy of the complaint on June 12, 2023. (See Exhibit 1 to Affidavit of Mitchell H. Frazen, attached as Exhibit A to this motion.)

5. Under Federal Rule of Civil Procedure 12(a)(1)(A)(i), Defendant United Medical Enterprise, Inc.'s responsive pleading was due to be filed on or before July 3, 2023..

6. To date, Defendant United Medical Enterprise, Inc. has not filed or served Plaintiff's counsel with an appearance, answer or other responsive pleading in this action.

7. Under Federal Rule of Civil Procedure 55(a), an order of default against Defendant United Medical Enterprise, Inc. must be entered by the Clerk.

WHEREFORE, Plaintiff MS Amlin Corporate Member, Ltd. moves this Court, pursuant to Federal Rule of Civil Procedure 55(a), to direct the Clerk to enter a default against Defendant United Medical Enterprise, Inc.

Dated: November 3, 2023

MS AMLIN CORPORATE MEMBER LTD

BY: /s/ Scott W. McMickle

Scott W. McMickle
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BY: /s/ Mitchell H. Frazen

Mitchell H. Frazen
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*Attorneys for Plaintiff MS AMLIN CORPORATE
MEMBER, LTD*

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)	
Defendants.)	

AFFIDAVIT OF MITCHELL H. FRAZEN

I, Mitchell H. Frazen, having first been duly sworn, depose and state:

1. I am over the age of 18, acting as counsel for Plaintiff MS Amlin Corporate Member, Ltd., and have personal knowledge of the facts set forth in this affidavit.
2. On May 23, 2023, Plaintiff filed this rescission and declaratory judgment action against its insured Defendant Floyd, Inc. and thirteen co-defendant claimants against Floyd, Inc. (several of which have since been dismissed from this action).
3. Plaintiff caused Defendant United Medical Enterprise, Inc. to be served with an alias summons and copy of the complaint on June 12, 2023. A copy of the certified mail proof of delivery is attached hereto as Exhibit 1.
4. Under Federal Rule of Civil Procedure 12(a)(1)(A)(i), Defendant United Medical Enterprise, Inc.'s responsive pleading was due to be filed on or before July 3, 2023.

6. Defendant United Medical Enterprise, Inc. has not filed an appearance, answer or other responsive pleading to the complaint, nor has that defendant served those documents on counsel for Plaintiff.

7. This affidavit is executed in accordance with Rule 55(a) for the purpose of enabling the Clerk to enter a default against Defendant United Medical Enterprise, Inc. for failure to answer or otherwise defend.

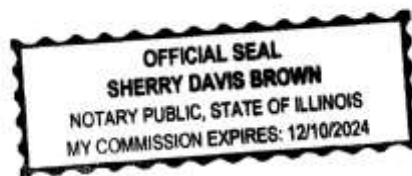
/s/ Mitchell H. Frazen

Mitchell H. Frazen

Subscribed and sworn to before me
this 3rd day of November, 2023.

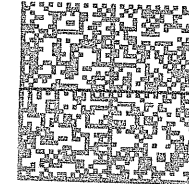


Notary Public





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06/08/2023 ZIP 60606

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US POSTAGE

First Class

Litchfield Cavo LLP
303 West Madison Street
Suite 300
Chicago, IL 60606

United Medical Enterprises, Inc.
c/o Its Registered Agent
Percy J. Blount
511 Courthouse Lane
Augusta, Georgia 30901

EXHIBIT 1

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Meter:	31226938	Mailing Date:	06/08/23 02:17 PM
Tracking Number:	9171969009350296651570	Sender:	MHF sd
Current Status:	OK : Delivered	Recipient:	
Class of Mail	PM	Zip Code:	30901
Service:	CERT	City:	AUGUSTA
Value	\$12.450	State:	GA

Proof of Delivery◆ **Status Details**▼ **Status Date****Status**

Mon, 06/12/23, 10:51:00 AM	OK : Delivered
Sat, 06/10/23, 06:16:00 PM	Not delivered: Insufficient Address
Sat, 06/10/23, 08:38:00 AM	Out for Delivery
Sat, 06/10/23, 08:27:00 AM	Arrival at Unit
Sat, 06/10/23, 05:53:00 AM	Arrive Sort Facility
Sat, 06/10/23, 04:57:00 AM	Arrive Sort Facility
Sat, 06/10/23, 01:52:00 AM	Depart Sort Facility
Sat, 06/10/23, 01:41:00 AM	Depart Sort Facility
Fri, 06/09/23, 10:41:00 PM	Processed (processing scan)
Fri, 06/09/23, 05:24:00 PM	Depart Sort Facility
Fri, 06/09/23, 03:57:00 PM	Arrive Sort Facility
Fri, 06/09/23, 03:48:00 PM	Arrive Sort Facility
Fri, 06/09/23, 01:33:00 AM	Depart Sort Facility

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Meter:	31226938	Mailing Date:	06/08/23 02:17 PM
Tracking Number:	9171969009350296651570	Sender:	MHF sd
Current Status:	OK : Delivered	Recipient:	
Class of Mail	PM	Zip Code:	30901
Service:	CERT	City:	AUGUSTA
Value	\$12.450	State:	GA

Proof of Delivery◆ **Status Details**▼ **Status Date****Status**

Fri, 06/09/23, 01:07:00 AM	Depart Sort Facility
Fri, 06/09/23, 12:25:00 AM	OK: USPS acknowledges reception of info
Thu, 06/08/23, 11:58:00 PM	Processed (processing scan)
Thu, 06/08/23, 10:43:00 PM	Origin Acceptance

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